

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT IDENTIFYING CERTAIN FEDERAL IRRIGATION DISTRICT CONTRACTS THAT ARE SUBJECT TO PETITION AND JUDICIAL REVIEW; REQUIRING JUDICIAL REVIEW OF CONTRACT PROCEEDINGS; AND AMENDING SECTIONS 85-7-1956 AND 85-7-1957, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 85-7-1956, MCA, is amended to read:

"85-7-1956. Majority vote or petition necessary to contract with United States. ~~(1) No contract shall~~
~~A repayment contract, a water service contract with a term of more than 1 year, or any operation or maintenance~~
~~contract may not be made entered into~~ with the United States ~~hereunder under this chapter~~ except upon:

(a) approval of a majority of those voting on the question at an election conducted pursuant to 85-7-1710; ~~provided that~~ However, the voting majority must own at least 50% of the acreage included within the district, ~~or upon~~.

(b) a petition signed by at least 60% in number and acreage of the holders of title or evidence of title to the lands included within the district.

~~(2) Such~~ The petition may include one or more parts and ~~shall~~ must:

(a) be addressed to the board of commissioners; ~~shall set forth~~

(b) state the aggregate amount of money to be ~~borrowed from~~ repaid to the United States and the ~~purpose or purposes thereof, shall have attached thereto~~ benefits for which the money will be spent;

(c) include an affidavit certifying the signatures to ~~said the petition, and shall; and~~

(d) be filed with the secretary of the board of commissioners. ~~Such petition may consist of one or more parts or papers."~~

Section 2. Section 85-7-1957, MCA, is amended to read:

"85-7-1957. United States contracts -- court approval required. ~~(1) The board of commissioners of~~
~~any irrigation district, before the making of any contract~~ Prior to entering into any repayment contract, any water
service contract with a term of more than 1 year, or any operation or maintenance contract with the United States

1 ~~hereunder, under this chapter, the board of commissioners of an irrigation district~~ shall commence a special
2 proceeding in the district court of the state, ~~by~~

3 (2) The irrigation district shall establish that it is organized in accordance with state law and has the
4 capacity to enter into contracts with the United States pursuant to applicable federal laws.

5 (3) The district court shall examine and approve or disapprove which the proceedings of the board and
6 of the district leading up to the making of ~~any such a~~ contract ~~and the validity of the terms thereof shall be~~
7 ~~judicially examined and approved and affirmed or disapproved and disaffirmed~~ by determining whether the
8 proceedings were in accordance with the voting or petition procedures provided in 87-7-1956.

9 ~~(2)(4)~~ The practice and procedure for the confirmation of any step or action, as provided in ~~subsection~~
10 ~~(4) this section, shall be~~ must conform as nearly as possible ~~in conformity~~ with the practice and procedure ~~now~~
11 provided for in the confirmation before the issuance and sale of bonds of an irrigation district.

12 (5) The court may approve and affirm ~~such the~~ proceedings in part and disapprove and declare illegal
13 or invalid other and subsequent parts of the proceedings, and ~~insofar as to the extent~~ possible, the court shall
14 remedy and cure all defects in ~~said the~~ proceedings."

15 - END -